

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LAKENTO BRIAN SMITH,

Plaintiff,

Case No.: 1:10-cv-1091

v.

HONORABLE PAUL L. MALONEY

FRANK STANLEY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation (Dkt. #4) filed by United States Magistrate Judge Joseph G. Scoville in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

**THEREFORE, IT IS ORDERED** that plaintiff's complaint is **DISMISSED** for failure to state a claim upon which relief can be granted.

**IT IS FURTHER ORDERED** that plaintiff's motion for preliminary injunction (Dkt. #3) and for joinder of Kay Foster Shabazz as plaintiff (Dkt. #3) are **DISMISSED as moot**.

Dated: March 25, 2011

/s/ Paul L. Maloney  
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Paul L. Maloney  
Chief United States District Judge